REMARKS

The Examiner had rejected Claims 1-7 under 35 U.S.C. § 103(a) based on *Kennedy* in view of *Cline, et al.*

On May 15, 2003, Applicants' attorney interviewed the rejection with the Examiner and presented the Examiner with a sample of the present invention.

The Examiner acknowledged that *Kennedy*, the primary reference, is directed toward a composite of two outer metal layers with a polyurethane elastomer layer between them. The Examiner acknowledged that *Cline, et al.* is not directed toward such a composite and in fact is directed toward an adhesive. The Examiner acknowledged that the only teaching of the composition of the elastomer in the primary reference is found in Column 4, Lines 38-43. Herein *Kennedy* states that the elastomer comprises a polyol together with an isocyanate or a di-isocyanate, a chain extender and a filler. There is no disclosure in *Kennedy* at all of the utilization of an elastomer formed by a mixture of at least one polyphenylpolymethylene polyisocyanate and at least one isomer of diphenylmethane diisocyanate in combination with a polyether alcohol as required by claim 1 of the present invention.

The Examiner further acknowledged that nowhere in *Cline, et al.* is there provided a teaching of an adhesive or elastomer having the properties of the polyurethane elastomer of the present invention as now recited in amended claim 1.

Finally, the Examiner acknowledged that throughout *Cline, et al.* it is taught that the subject of *Cline, et al.* produces an adhesive that is "permanently tacky" and that its primary use is as a thin adhesive layer to coat a substrate.

Rejection of a claim based on a combination of references under 35 U.S.C. § 103(a) requires that the Examiner find and specifically point to a teaching, suggestion, or motivation found within the references themselves that would lead one of ordinary skill in the art to combine the teaching of the references and through that combination to make obvious or to produce the subject matter as recited in the rejected claim. *In re: Sang Su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). Absent such a teaching, suggestion, or motivation found within the references themselves it is improper to combine the references in order to reject a claim under 35 U.S.C. § 103. Within neither reference is there a teaching that would lead one of ordinary skill in the art to combine the references with the anticipation of producing an elastomer having the properties cited in Claim 1 of the present invention. It is only through utilization of Applicants' own specification and disclosure that the Examiner might be lead to find a reference such as *Cline, et al.* Finally, even if one were led to *Cline, et al.* it would not make the present invention as recited in Claim 1 obvious. *Cline, et al.* is directed toward an adhesive not an elastomer. The adhesive of *Cline, et al.* is permanently tacky unlike the present invention. The adhesive of *Cline, et al.* is flexible, unlike the present invention.
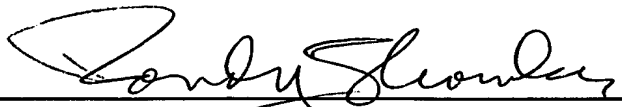
In summary, as amended Claim 1 includes limitations neither found in nor made obvious by *Kennedy* or *Cline, et al.*, taken either alone or in combination, thus the rejection of Claim 1, and the claims which depend therefrom, under 35 U.S.C. § 103(a) based on the cited references is improper and must be withdrawn.

Applicants' attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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